

REMARKS

With this amendment, claims 2-7 and 9-15 are in this application.

Amendments to the claims

Currently pending claim 1 has been cancelled and its language inserted into claim 5. The amendment to claim 5 is not a narrowing amendment, because currently pending claim 5 was already depending on claim 1.

Claim 5 as amended is now an independent claim. Claims 2-4 have been amended to directly or indirectly depend on claim 5. Also claims 6 and 7 depend on claim 5.

Currently pending claim 8 has been cancelled and its language inserted into claim 12.

Claim 12 as amended is now an independent claim. Claims 9-11 have been amended to depend on claim 12. Also claims 13-15 depend on claim 12.

Minor editorial and linguistic changes have been made throughout the claims. For example, reference numerals have been canceled throughout the claims, and the wording "characterized in that" has been replaced by "wherein". The Applicant submits that those amendments have been made for clarity purposes only and do not narrow the scope of the claims.

Drawings

In section 1 of the Action, the Examiner requires new corrected drawings, to replace the drawings as filed, to be submitted. Replacement sheets 1/6 . . 6/6 containing new corrected drawings are submitted with the present response.

Enclosed is a Statement of Accuracy of Translation, certifying that the English version of the drawings corresponds to the foreign language version of the drawings. Moreover,

the English version of the drawings is supported by the English text of the specification. The Applicant submits that no new matter has been added by the amendments to the claims or the drawings.

35 USC § 102 rejections

1. In section 3 of the Action, the Examiner rejects claim 5 under 35 USC § 102(e) as being anticipated by U.S. Pat. No. 6,563,805 to Ma. The Applicant respectfully disagrees.

Claim 5 recites *"a radio receiver compatible with the RDS standard and receiving a signal according to the RDS standard"* (emphasis added). To the contrary, Ma discloses an "XM radio receiver" 8, see Ma, Figure 1, element 8. An XM radio receiver receives a signal in the XM band (Ma, column 1, lines 48-54), not a *"signal according to the RDS standard."* Additionally, the Applicant has not been able to find in Ma that Ma's XM radio receiver is *"compatible with the RDS standard."*

Should the Examiner disagree with the Applicant, the Examiner is respectfully requested to show to the Applicant where Ma discloses, teaches, or suggests *"a radio receiver compatible with the RDS standard and receiving a signal according to the RDS standard."*

Further, claim 5 recites a *"signal-coding unit . . . receiving an input signal according to the RDS standard [and] combining at least one portion of [the] input signal with a signal component comprising indicative information about [the] radio receiver."*

To the contrary, Ma discloses an "FM modulator" 14, see Ma, Figure 1, element 14. Ma's FM modulator 14 frequency modulates the signals output from Ma's playback circuit 12 (Ma, column 3, lines 59-63) and the signals output from Ma's playback circuits 24 (Ma, column 5, lines 59-61). The output of Ma's playback circuit 12 is not *"an input signal according to the RDS standard"* (emphasis added).

Additionally, Ma's FM modulator 14 does not *"combin[e] . . . [the] input signal with a*

signal component comprising indicative information about [the] radio receiver." In particular, in Ma, a controller 16 is "programmed to control the flow and routing of the various signals" (Ma, column 4, lines 16-17) and controls whether the FM modulator should modulate the signal from the playback circuit 12 or the playback circuits 24.

Further, neither the playback circuit 12 or the playback circuits 24 contain information which is "*indicative*" of the radio receiver.

Should the Examiner disagree with the Applicant, the Examiner is respectfully requested to show to the Applicant where Ma discloses, teaches, or suggests "*signal-coding unit . . . receiving an input signal according to the RDS standard [and] combining at least one portion of [the] input signal with a signal component comprising indicative information about [the] radio receiver.*"

Therefore, the Applicant submits that claim 5 is novel over Ma, together with claims 2-4, 6, and 7, at least by virtue of their dependency on claim 5.

2. In section 4 of the Action, the Examiner rejects claims 1-4 and 8-11 under 35 USC § 102(e) as being anticipated by U.S. Pat. No. 6,018,313 to Engelmayer. The Applicant respectfully disagrees.

Claim 1 has been cancelled, thus rendering moot the objection of the Examiner. Claims 2-4 depend on claim 5. As discussed below, the Applicant submits that the Examiner has not shown that Engelmayer teaches each and every element as set forth in Claim 5. Therefore, the Applicant submits that the Examiner has not established a *prima facie* case of anticipation of Claim 5 based on Engelmayer.

Claim 5 recites a "*radio receiver compatible with the RDS standard and receiving a signal according to the RDS standard*" and a "*signal-coding unit receiving . . . an input signal according to the RDS standard*" (emphasis added).

With reference to Figure 2 of Engelmayer, the Examiner asserts that Engelmayer's RDS coder 70 is a signal coding unit. However, the RDS coder 70 "inserts the processed correction data 8 into the RDS data stream" (Engelmayer, column 3, lines 51-52) thus coding non-RDS signals 8 to RDS signals 9. Therefore, Engelmayer's coding unit 70 does not *"receiv[e] an input signal according to the RDS standard."* Additionally, while Figure 2 of Engelmayer discloses a radio receiver (see GPS receiver 50 of Figure 2), the Examiner has not shown that such receiver is *"compatible with the RDS standard"* or receives *"a signal according to the RDS standard"* as claimed in Claim 5. The Applicant submits that Engelmayer does not make such a disclosure since otherwise the RDS coder 70 would be useless.

Therefore, the Applicants submits that the Examiner has not shown that claim 5 is anticipated by Engelmayer. Should the Examiner disagree with the Applicant, the Examiner is respectfully requested to show to the Applicant where Engelmayer discloses, teaches, or suggests a *"radio receiver compatible with the RDS standard and receiving a signal according to the RDS standard"* and a *"signal-coding unit receiving . . . an input signal according to the RDS standard."*

Claims 2-4 are deemed to be allowable over Engelmayer at least by virtue of their dependency on claim 5.

Claim 8 has been cancelled, thus rendering moot the objection of the Examiner. Claims 9-11 depend on claim 12. As discussed below, the Applicant submits that the Examiner has not shown that Engelmayer teaches each and every element as set forth in Claim 12. Therefore, the Applicant submits that the Examiner has not established a *prima facie* case of anticipation of Claim 12 based on Engelmayer.

Claim 12 recites *"at least one transmitter-receiver apparatus compris[ing] . . . a radio receiver compatible with the RDS standard and receiving a signal according to the RDS standard [and] a . . . signal-coding unit . . . receiving as input . . . a signal according to the RDS standard"* similarly to what recited in claim 5. Therefore, the Applicant submits that the Examiner has not shown that claim 12 is anticipated by Engelmayer for the same reasons as to claim 5 above. Further, the Applicant submits that claims 9-11 are allowable over

Engelmayer, at least by virtue of their dependency on claim 12.

35 USC § 103

In section 6 of the Action, the Examiner rejects claims 6, 7, and 12-15 under 35 USC § 103(a) as being unpatentable over Ma in view of U.S. Pat. No. 6,493,546 to Patsiokas. The Applicant respectfully disagrees.

Claims 6 and 7 depend on claim 5. As discussed below, the Applicant submits that the Examiner has not shown that Claim 5 is made obvious by Ma in view of Patsiokas. Therefore, the Applicant submits that the Examiner has not established a *prima facie* case of obviousness of Claim 5 based on Ma in view of Patsiokas.

With reference to claim 5, the Applicant submits that the Examiner has not shown that claim 5 anticipated by Ma as discussed above. With reference to section 6 of the Action, the Examiner only points out where Patsiokas discloses the first and second tuner of Applicant's claim 6. Therefore, by failing to show to the Applicant where Patsiokas discloses, for example, a "*signal-coding unit . . . receiving an input signal according to the RDS standard [and] combining at least one portion of [the] input signal with a signal component comprising indicative information about [the] radio receiver*" the Examiner has failed to make a *prima facie* case of lack of obviousness under 35 USC § 103(a). Therefore, the Applicant submits that claim 5 is deemed to be non-obvious over Ma in view of Patsiokas.

Further, the Applicant submits that claims 6 and 7 are deemed to be non-obvious over Ma in view of Patsiokas at least by virtue of their dependency on claim 5.

Additionally, with reference to claim 6 of the present application, such claim incorporates the "*radio receiver*" and the "*transmission unit*" of claim 5 by virtue of its dependency on claim 5 and further recites that "*the radio receiver . . . comprises . . . a first tuner to . . . receive a first frequency [and] a second tuner to select, while receiving [the] first frequency, a second frequency different from the first frequency.*" The Applicant has read column 4, lines 46-63 of Patsiokas as pointed out by the Examiner, but has been able to

find only a scanning receiver 58, and not a "second tuner" *"to select a second frequency"* *"while receiving the first frequency"* (emphasis added).

Claim 12 has been amended by the Applicant. The Applicant submits that Claim 12, as amended, is not made obvious by Ma in view of Patsiokas, for reasons similar to those presented above for Claim 5. Should the Examiner disagree with the Applicant, the Examiner is respectfully requested to show to the Applicant where, the combination of Ma and Patsiokas teaches, discloses, or suggests all of the features of claim 12 as amended. Claims 13-15 depend on claim 12 and are deemed to be patentable at least by virtue of their dependency on claim 12.

* * *

Applicant submits that all claims of the application are in condition for allowance. Prompt issuance of a Notice of Allowance is earnestly solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patent P.O. Box 1450 Alexandria, VA 22313-1450 on

March 5, 2004
(Date of Deposit)

Ross A. Schmitt
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Ross A. Schmitt
Signature
3-5-2004
Date

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Enclosures:

- Petition for one-month extension
- Check for one-month extension
- Replacement sheets 1-6
- Annotated Sheets 1-6 showing changes made
- Statement of Accuracy of Translation (~~7 sheets~~) *3-5-04*
- Postcard

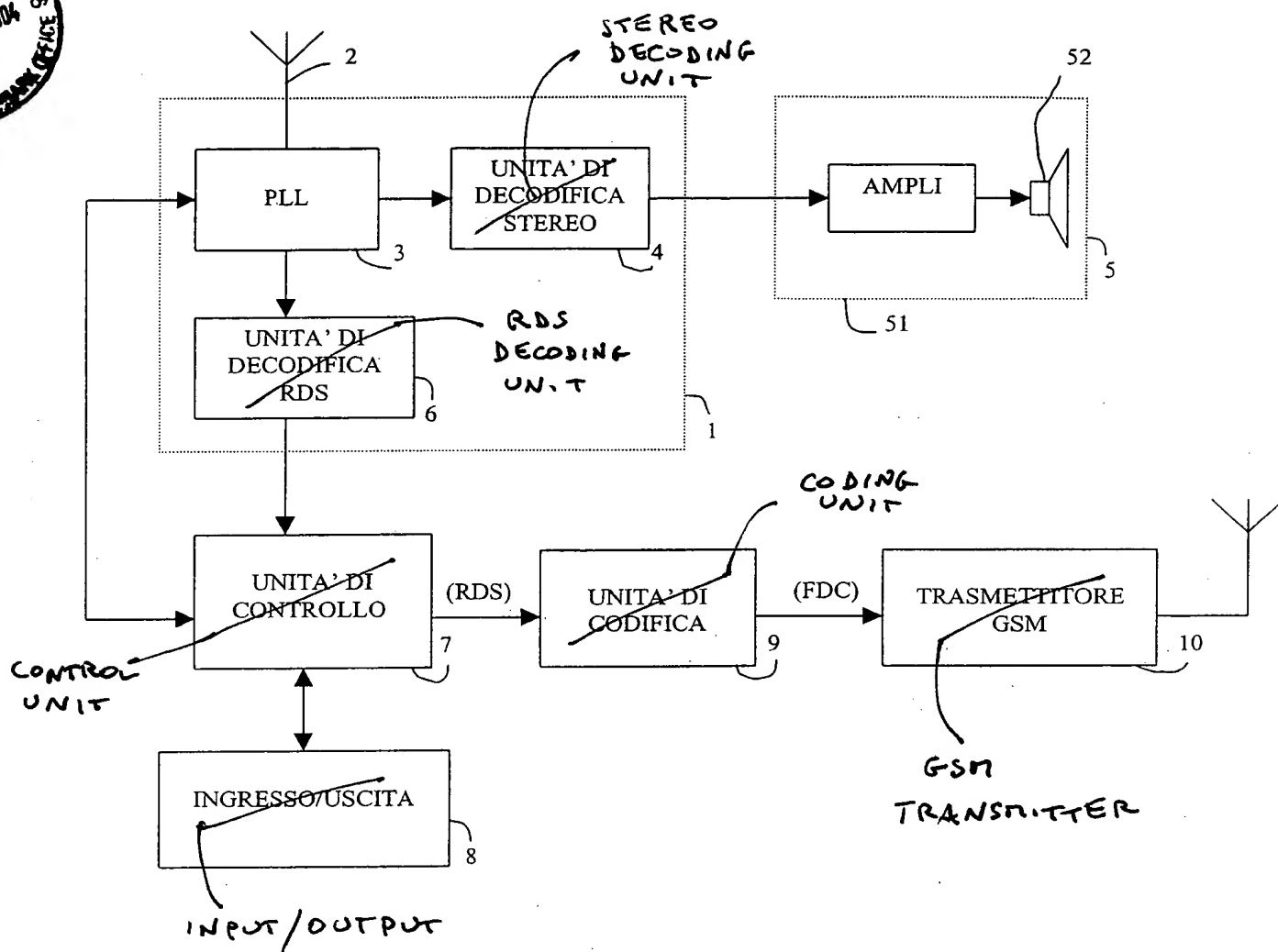


FIG. 1

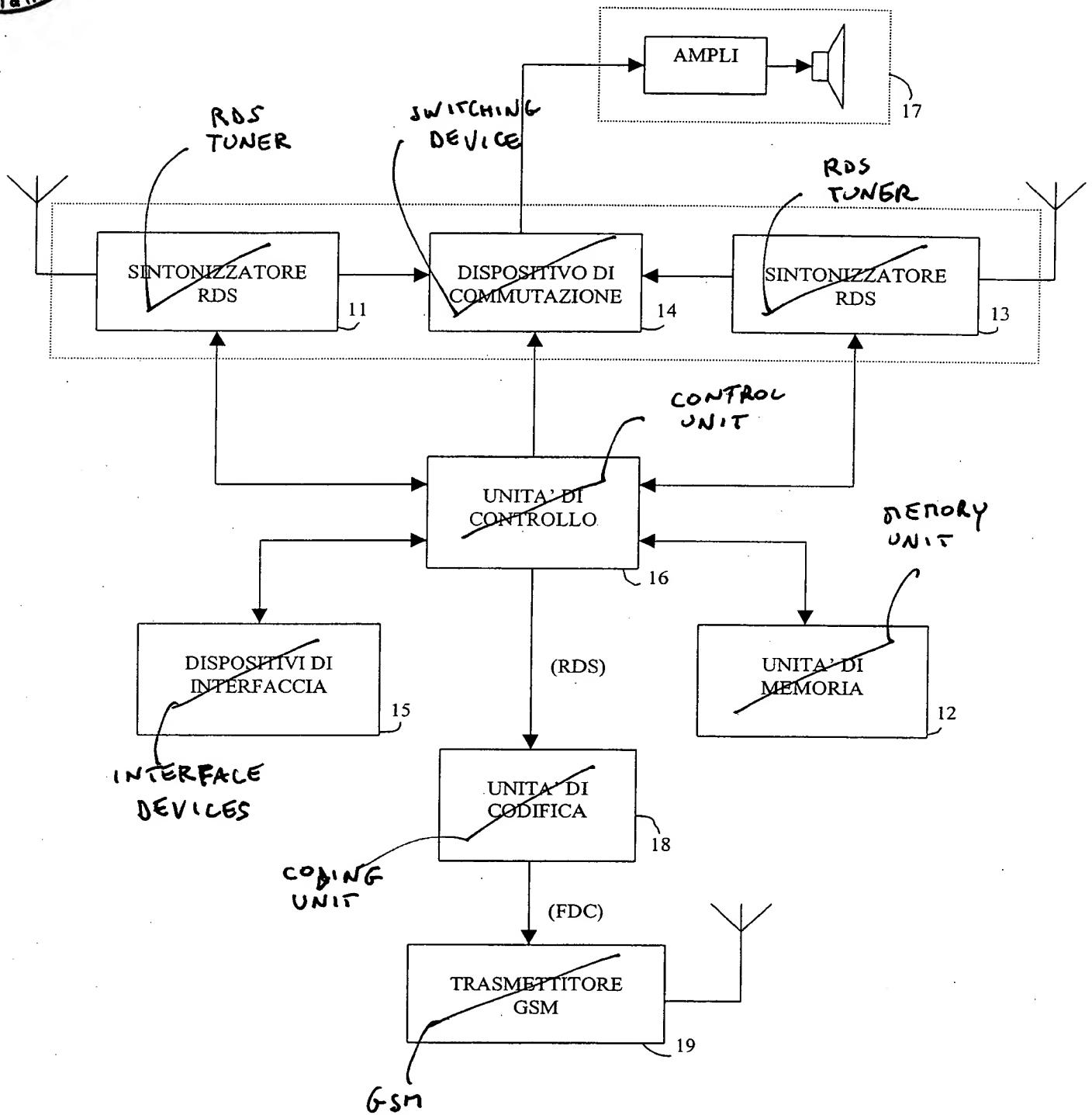


FIG. 2

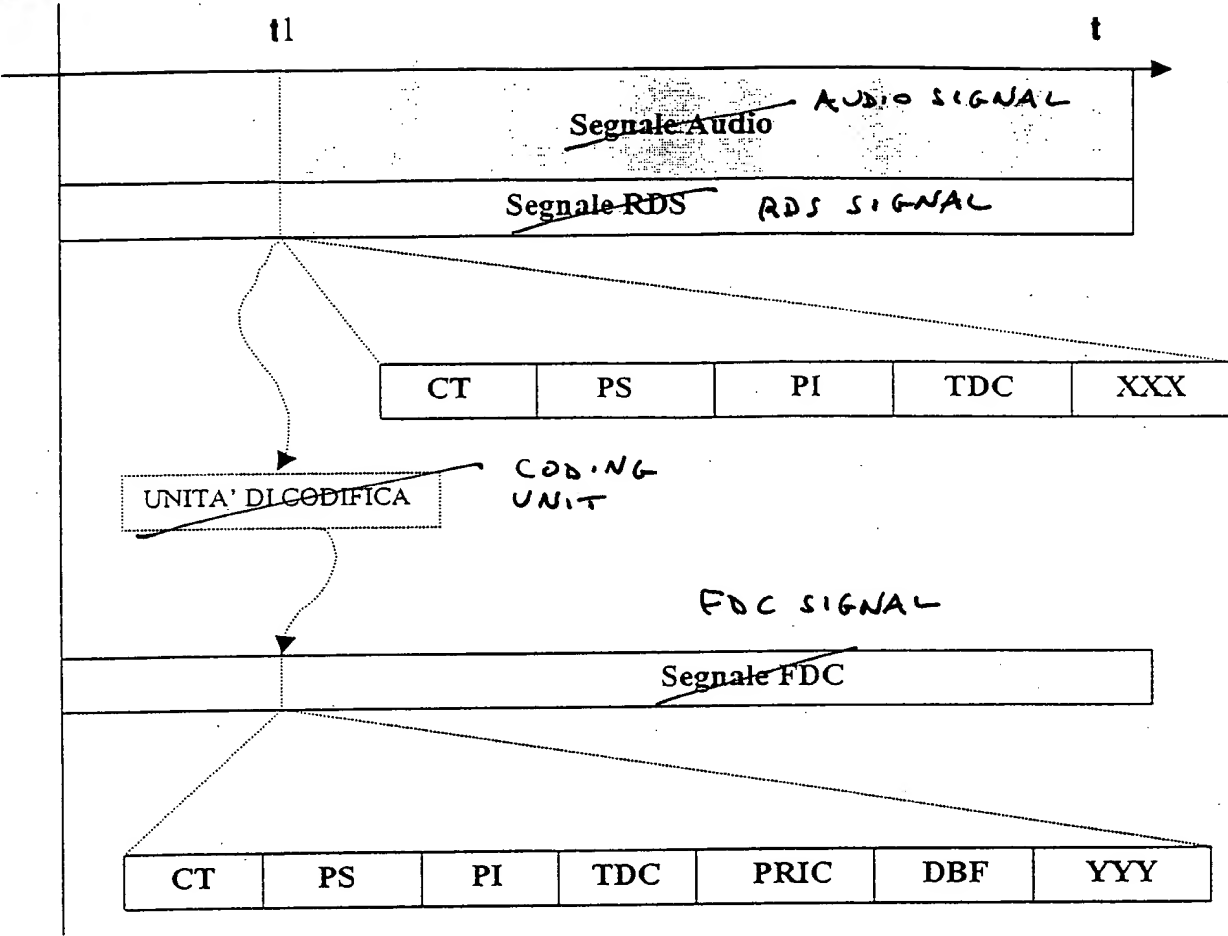


FIG.3

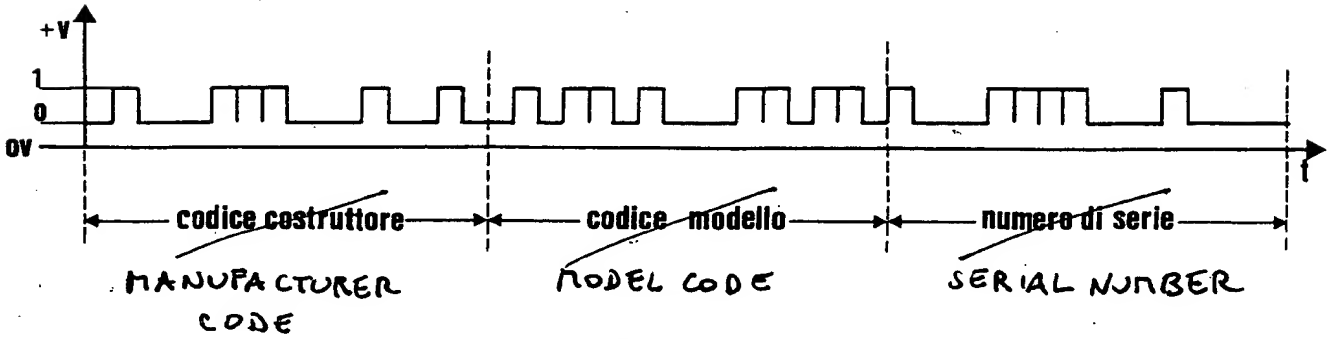
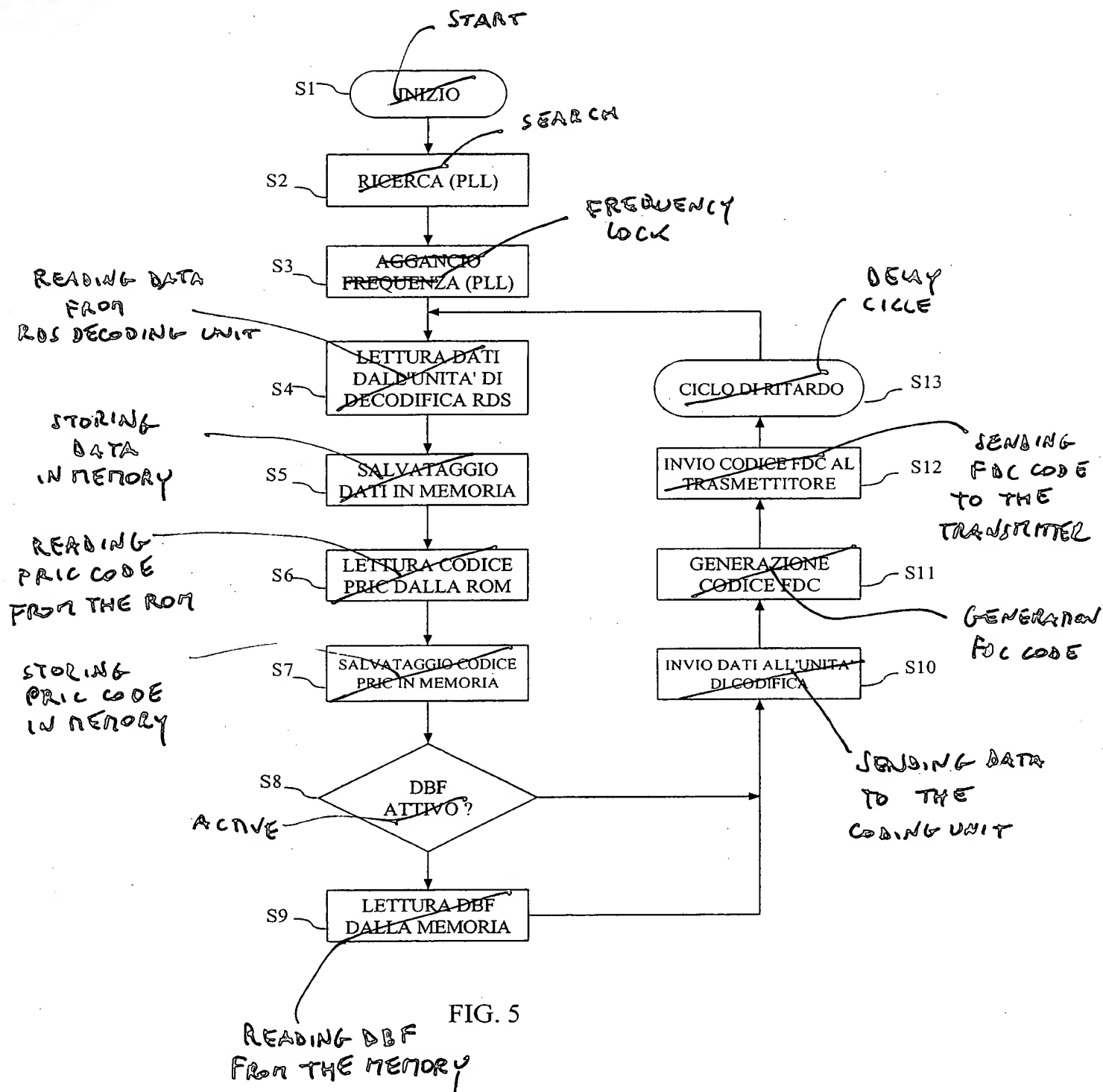


FIG.4



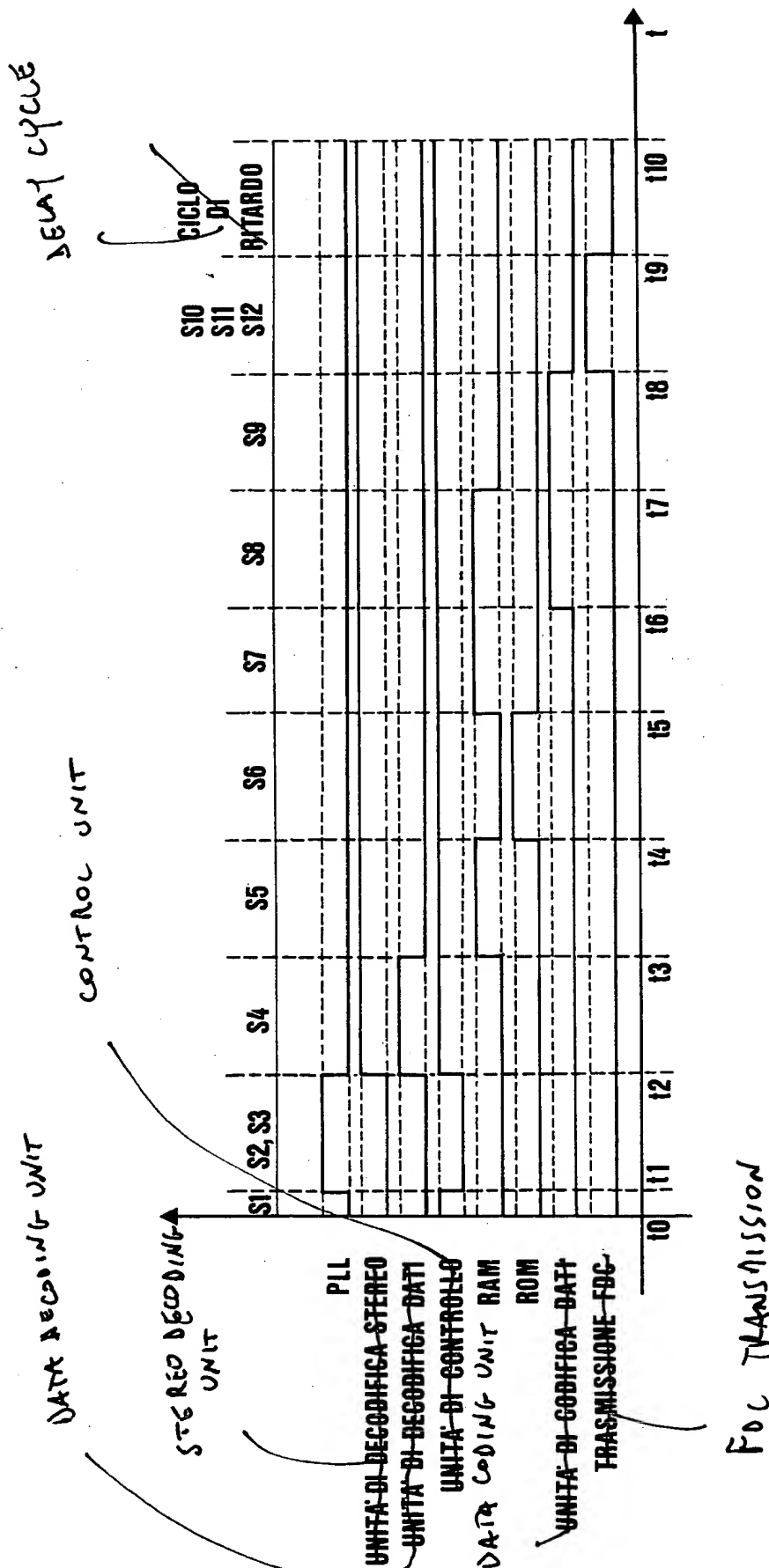


FIG.6

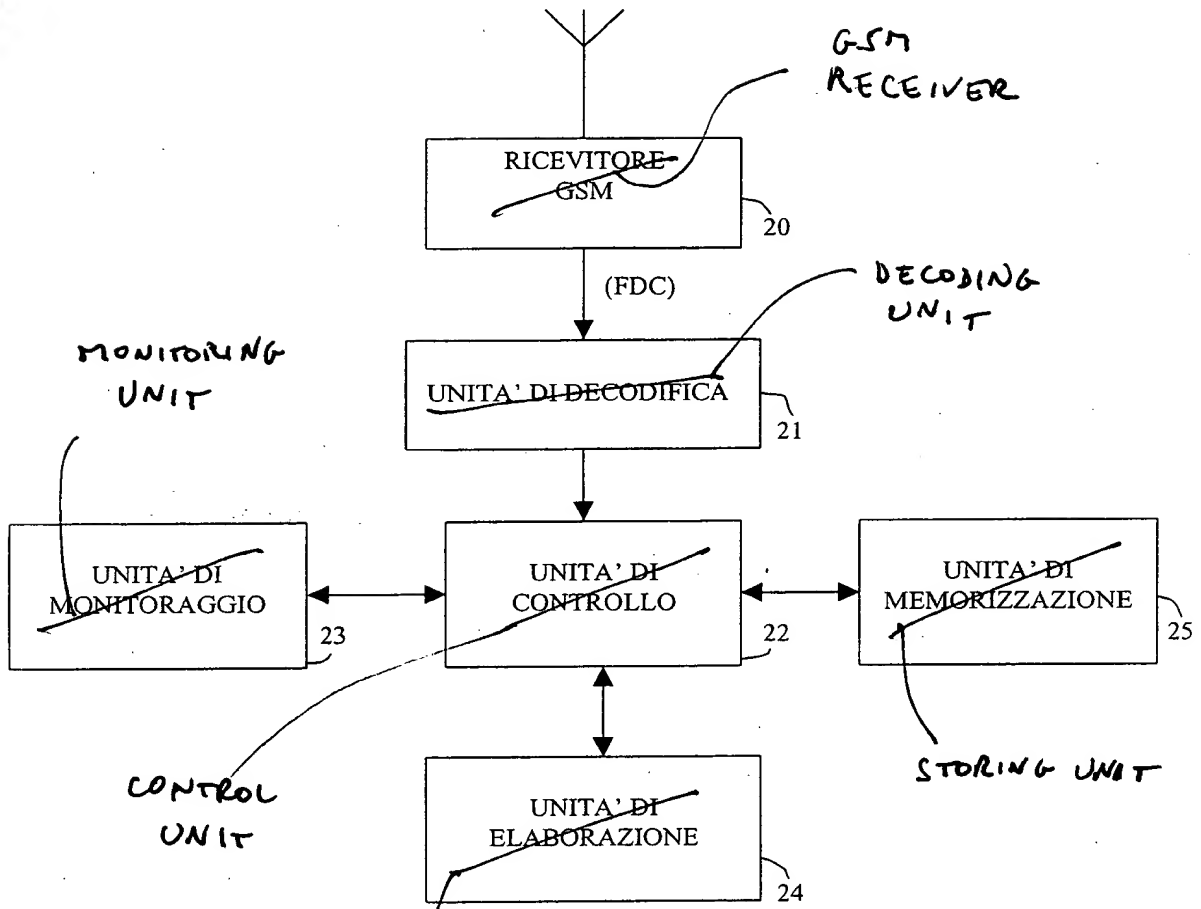


FIG. 7